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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,569	11/26/2003	Wolfgang Beigang	GKNG 1184 PUS	9113
7590	10/25/2004		EXAMINER	
Robert P. Renke Suite 250 28333 Telegraph Road Southfield, MI 48034			NGUYEN, XUAN LAN T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/723,569

Applicant(s)

BEIGANG, WOLFGANG

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/26/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: drawings.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings, submitted 4/21/04, are objected to because there are two "figure 1". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in

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the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because on line 8 of the Abstract, "At is one end" should be --At one end--. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, line 7, "its" renders claim 1 indefinite.
- Claim 2, line 2, "its" renders claim 2 indefinite.
- Claim 3, line 2, "its" renders claim 3 indefinite.
- Claim 4, line 2, "their" renders claim 4 indefinite.
- Claim 8, lines 2-3, "so as to be round" renders claim 8 indefinite.

***Claim Rejections - 35 USC § 102***

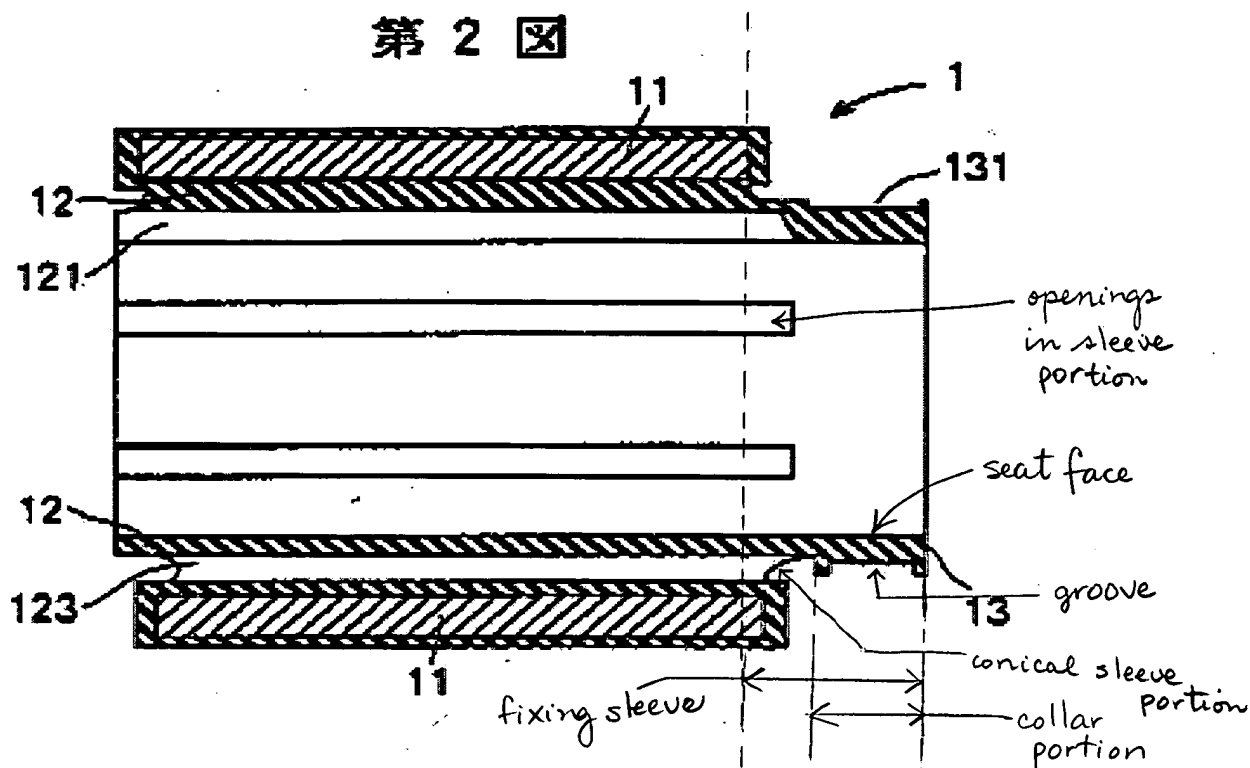
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10, 13, 18, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada (JP 02296030 A).

Re: claim 1, Hamada shows in figures 1 and 2, a vibration absorber for attaching to a rotatable driveshaft, as in the present invention, comprising: an annular-cylindrical mass member 11 arranged at a radial distance from the driveshaft; a plurality of circumferentially spaced elastic supporting elements 12 shaped to be positioned on the driveshaft, which are firmly connected to the mass member 11 and extending radially inwardly toward the driveshaft from the mass member; and an elastic fixing sleeve shaped to be positioned on the driveshaft and at one end connected to the mass member 11 (see below marked up figure 2).



Re: claim 2, please see above for the sleeve portion.

Re: claim 3, please see above for the collar portion and seat face.

Re: claim 4, figure 1 shows the supporting elements 12 each having a radial outside connected to one another to form an annular elastic member with one another.

Re: claims 5 and 6, figures 1 and 2 show the supporting members 12, the fixing sleeve and the mass member are integrally connected.

Re: claims 7 and 8, the Abstract states that the mass member is made from steel pipe.

Re: claims 9 and 10, please see above for the marked up sleeve portion.

Re: claim 13, please see above for marked up groove to receive clamp band.

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Re: claims 18 and 19, figure 1 shows supporting elements 12 comprise identical cross-sectional shapes and uniformly distributed as claimed.

Re: claim 21, please see marked up openings in sleeve portion above.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (JP 02296030 A).

Re: claims 11 and 12, Hamada's vibration absorber, as rejected in claim 9, lacks the sleeve portion of a constant thickness and of a thickness that increases from the mass member to the collar portion. These are considered design choices depending on the each application of vibration dampening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vibration absorber of Hamada to include a sleeve portion comprising one of a constant thickness and of a thickness that increases from the mass member to the collar portion in order to satisfy a certain design requirement. This is further evidenced from Applicant's disclosure in paragraph [0013] that the wall thicknesses are obvious alternative designs for the sleeve portion.

Re: claim 20, Hamada's vibration absorber, as rejected in claim 1, lacks the disclosure of the supporting elements and the fixing sleeve to be rubber. The Abstract mentioned that the supporting elements are elastic and that the mass member is coated with rubber. Figures 1 and 2 shows that the fixing sleeve is of the same material as the coating, which is rubber. The Examiner takes an Official Notice that rubber is an old and well known elastic material and would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided Hamada's vibration absorber with rubber supporting elements; since rubber is an old and well known material for good elasticity and dampening capability.

10. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (JP 02296030 A) in view of Gallmeyer et al.

Re: claim 14, Hamada's vibration absorber, as rejected in claim 1, shows the supporting elements 12 to be substantially the whole length of the mass member 11. Gallmeyer teaches the concept of varying the length of the supporting members 20 in a vibration absorber in column 2, lines 33-46 in order to dampen a certain range of vibration frequency. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hamada's vibration absorber to comprise the supporting members extending only a portion of the length of the mass member as taught by Gallmeyer in order to dampen a certain range of vibration frequency in order to improve the absorber's capability to dampen targeted vibration.

Re: claims 15-17, Hamada shows in figure 2 the supporting elements to be connected to the mass member axially opposite of the fixing sleeve, an axial distance



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from an end of the mass member, at least partially outside and adjoining an end of the mass member.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nylander et al., Sugita et al. and Zyogahara et al. are cited for other vibration dampeners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Patent Examiner  
Art Unit 3683

*Lan Nguyen*  
10/18/04